

Amendment No. 2 to HB0864

Sargent  
Signature of Sponsor

**AMEND Senate Bill No. 432\***

**House Bill No. 864**

by deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-115, is amended by deleting the section in its entirety and substituting the following:

50-6-115.

(a) For purposes of this section, an employee is considered to be temporarily in a state working for an employer if the employee is working for such employee's employer in a state other than the state where such employee is primarily employed for no more than fourteen (14) consecutive days, or no more than twenty-five (25) days total, during a calendar year.

(b)

(1) If an employee in this state who is subject to this chapter temporarily leaves this state incidental to the employee's employment and receives an accidental injury arising out of and in the course and scope of the employee's employment, the employee, or the employee's beneficiaries in the case of an injury that results in the employee's death, shall be entitled to the benefits of this chapter as if the employee was injured in this state.

(2) If an employee, while working outside the territorial limits of this state other than temporarily, suffers an injury on account of which the employee, or, in the event of the employee's death, the employee's dependents, would have been entitled to the benefits provided by this

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chapter had the injury occurred within this state, the employee, or in the event of the employee's death resulting from the injury, the employee's dependents, shall be entitled to the benefits provided by this chapter; provided, that at the time of the injury:

(1) The employment was principally localized within this state;

(2) The contract of hire was made in this state; or

(3) If at the time of the injury the injured worker was a Tennessee resident and there existed a substantial connection between this state and the particular employer and employee relationship.

(c)

(1) An employee from another state and the employee's employer are exempt from this chapter while the employee is temporarily in this state performing work for the employer if:

(A) The employer has furnished workers' compensation insurance coverage under the workers' compensation insurance or similar laws of the other state to cover the employee's employment while in this state;

(B) The extraterritorial provisions of this chapter are recognized in the other state; and

(C) Employees and employers who are covered in this state are likewise exempted from the application of the workers' compensation insurance or similar laws of the other state.

(2) The benefits under the workers' compensation insurance or similar laws of the other state, or other remedies under similar law, are the exclusive remedy against the employer for any injury, whether resulting in death or not, received by the employee while temporarily working for that employer in this state.

(3) A certificate from the duly authorized officer of the appropriate department of another state certifying that the employer of such other state is insured in that state and has provided extraterritorial coverage insuring employees while working in this state is prima facie evidence that the employer carries such workers' compensation insurance.

(4) Whenever in any appeal or other litigation the construction of the laws of another jurisdiction is required, the courts shall take judicial notice of such construction of the laws of the other jurisdiction.

(5) When an employee has a claim under the workers' compensation insurance laws of another state, territory, province, or foreign nation for the same injury or occupational disease as the claim filed in this state, the total amount of compensation paid or awarded under such other workers' compensation law shall be credited against the compensation due under this chapter.

(d)

(1) Any employer who is insured in this state for workers' compensation under title 50, chapter 6, and who has extraterritorial coverage under title 50, chapter 6, for their employees while such

employees are temporarily working outside this state within the meaning of subsection (a) may obtain a certificate evidencing such coverage at the time that the application for certification is made from the commissioner of commerce and insurance.

(2) In order to obtain a certificate under subdivision (d)(1), an employer shall:

(A) File an application with the commissioner of commerce and insurance, on a form that is approved by the commissioner of commerce and insurance;

(B) Pay a filing fee to the department of commerce and insurance in the amount of one hundred dollars (\$100). The commissioner of commerce and insurance may change the amount of the filing fee required by this subdivision (B) by promulgating a rule pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as necessary to ensure that the proceeds of such filing fees are sufficient to offset the cost of processing applications and issuing the certificates authorized by this subsection (d); and

(C) Submit to the commissioner of commerce and insurance a copy of the declaration page from the employer's workers' compensation insurance policy, or such proof as the commissioner of commerce and insurance may require to demonstrate that the employer is self insured for workers' compensation and the territorial limits of such coverage.

(3) The commissioner of commerce and insurance is authorized to issue a certificate that certifies that, at the time that the application for

certification is made, the applicant employer in this state is insured for workers' compensation under title 50, chapter 6, and that such employers have extraterritorial coverage under title 50, chapter 6, for their employees while such employees are temporarily working outside this state within the meaning of subsection (a).

SECTION 2. This act shall take effect upon becoming a law, and shall apply to any claim filed on or after such date regardless of the date of the injury, the public welfare requiring it.